

# EXHIBIT 1

MICHAEL K. JEANES, CLERK  
BY *M. DeLaCruz* DEP.

FILED

16 DEC 29 PM 4:26

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11 Attorneys for Plaintiffs

12 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

13 **IN AND FOR THE COUNTY OF MARICOPA**

14 DAVID KHALAJ and JULIET DAVID  
15 YOUNMARAN, a married couple,

16 Plaintiffs,

17 vs.

18 CITY OF PHOENIX, Arizona, a municipal  
19 corporation; JANE DOES I-X and JOHN  
20 DOES I-X, inclusive,

21 Defendants.

No.

CV 2016-010499

**PLAINTIFFS' CERTIFICATE OF  
COMPULSORY ARBITRATION**

22 The undersigned certifies that the largest award sought by Plaintiffs, including  
23 punitive damages, but excluding interest, attorneys' fees and costs exceeds limits set by  
24 Local Rule for compulsory arbitration. This case is, therefore, **not** subject to mandatory  
25 arbitration.

26 RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of December, 2016.

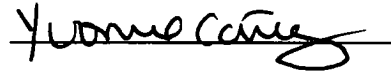
27 CHRISTIAN DICTER & SLUGA, P.C.

28 By 

Stephen M. Dichter  
Cara L. Christian  
Attorneys for Plaintiffs

1 **ORIGINAL** of the foregoing filed  
2 this 29<sup>th</sup> day of December, 2016, with:

3 Clerk of the Court  
4 Maricopa County Superior Court  
5 201 W. Jefferson Street  
6 Phoenix, Arizona 85003

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In the Superior Court of the State of Arizona  
In and For the County of \_\_\_\_\_

Case Number \_\_\_\_\_

CI  
(PI)**CV2016-010499**Is Interpreter Needed? ☐ Yes ☒ No FILED  
If yes, what language: \_\_\_\_\_

16 DEC 29 PM 4:25

Plaintiff's Attorney Stephen M. DichterAttorney Bar Number 004043

Plaintiff's Name(s): (List all) Plaintiff's Address: Phone #: Email Address:

David Khalaj c/o Stephen M. Dichter, Christian Dichter &amp; Sluga, P.C., 2700 N. Central Ave., #1200, Phoenix, AZ 85004

Juliet David Youmaran c/o Stephen M. Dichter, Christian Dichter &amp; Sluga, P.C., 2700 N. Central Ave., #1200, Phoenix, AZ 85004

602-253-5808 sdichter@cdslawfirm.com

(List additional plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All) City of Phoenix

(List additional defendants on page two and/or attach a separate sheet)

EMERGENCY ORDER SOUGHT: ☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC☐ Election Challenge ☐ Employer Sanction ☐ Other \_\_\_\_\_  
(Specify)☐ RULE 8(i) COMPLEX LITIGATION APPLIES. Rule 8(i) of the Rules of Civil Procedure defines a "Complex Case" as civil actions that require continuous judicial management. A typical case involves a large number of witnesses, a substantial amount of documentary evidence, and a large number of separately represented parties.(Mark appropriate box on page two as to complexity, **in addition** to the Nature of Action case category.)☐ THIS CASE IS ELIGIBLE FOR THE COMMERCIAL COURT UNDER EXPERIMENTAL RULE 8.1. (Maricopa County only.) Rule 8.1 defines a commercial case and establishes eligibility criteria for the commercial court. Generally, a commercial case primarily involves issues arising from a business contract or business transaction. However, consumer transactions are not eligible. A consumer transaction is one that is primarily for personal, family or household purposes. **Please review Rule 8.1 for a complete list of the criteria.** See <http://www.superiorcourt.maricopa.gov/commercial-court/>. You must check this box if this is an eligible commercial case. **In addition, mark the appropriate box below in the "Nature of Action" case category.** The words "commercial court assignment requested" must appear in the caption of the original complaint.**NATURE OF ACTION**(Place an "X" next to the **one** case category that most accurately describes your primary case.)**100 TORT MOTOR VEHICLE:**

- ☐
- 101 Non-Death/Personal Injury
- 
- ☐
- 102 Property Damage
- 
- ☐
- 103 Wrongful Death

**110 TORT NON-MOTOR VEHICLE:**

- ☐
- 111 Negligence
- 
- ☐
- 112 Product Liability – Asbestos
- 
- ☐
- 112 Product Liability – Tobacco
- 
- ☐
- 112 Product Liability – Toxic/Other
- 
- ☐
- 113 Intentional Tort

- ☐
- 114 Property Damage
- 
- ☐
- 115 Legal Malpractice
- 
- ☐
- 115 Malpractice – Other professional
- 
- ☐
- 117 Premises Liability
- 
- ☐
- 118 Slander/Libel/Defamation
- 
- ☐
- 116 Other (Specify) \_\_\_\_\_

**120 MEDICAL MALPRACTICE:**

- ☐
- 121 Physician M.D.
- ☐
- 123 Hospital
- 
- ☐
- 122 Physician D.O.
- ☐
- 124 Other

**130 CONTRACTS:**

- ☐ 131 Account (Open or Stated)  
☐ 132 Promissory Note  
☐ 133 Foreclosure  
☐ 138 Buyer-Plaintiff  
☐ 139 Fraud  
☐ 134 Other Contract (i.e. Breach of Contract)  
☐ 135 Excess Proceeds-Sale  
☐ Construction Defects (Residential/Commercial)  
     ☐ 136 Six to Nineteen Structures  
     ☐ 137 Twenty or More Structures

**150-199 OTHER CIVIL CASE TYPES:**

- ☐ 156 Eminent Domain/Condemnation  
☐ 151 Eviction Actions (Forcible and Special Detainers)  
☐ 152 Change of Name  
☐ 153 Transcript of Judgment  
☐ 154 Foreign Judgment  
☐ 158 Quiet Title  
☐ 160 Forfeiture  
☐ 175 Election Challenge  
☐ 179 NCC-Employer Sanction Action  
     (A.R.S. §23-212)  
☐ 180 Injunction against Workplace Harassment  
☐ 181 Injunction against Harassment  
☐ 182 Civil Penalty  
☐ 186 Water Rights (Not General Stream Adjudication)  
☐ 187 Real Property  
☐ Special Action against Lower Courts  
     (See lower court appeal cover sheet in Maricopa)

- ☐ 194 Immigration Enforcement Challenge  
     (§§1-501, 1-502, 11-1051)

**150-199 UNCLASSIFIED CIVIL:**

- ☐ Administrative Review  
     (See lower court appeal cover sheet in Maricopa)  
☐ 150 Tax Appeal  
     (All other tax matters must be filed in the AZ Tax Court)  
☐ 155 Declaratory Judgment  
☐ 157 Habeas Corpus  
☐ 184 Landlord Tenant Dispute- Other  
☐ 190 Declaration of Factual Innocence  
     (A.R.S. §12-771)  
☐ 191 Declaration of Factual Improper Party Status  
☐ 193 Vulnerable Adult (A.R.S. §46-451)  
☐ 165 Tribal Judgment  
☐ 167 Structured Settlement (A.R.S. §12-2901)  
☐ 169 Attorney Conservatorships (State Bar)  
☐ 170 Unauthorized Practice of Law (State Bar)  
☐ 171 Out-of-State Deposition for Foreign Jurisdiction  
☐ 172 Secure Attendance of Prisoner  
☐ 173 Assurance of Discontinuance  
☐ 174 In-State Deposition for Foreign Jurisdiction  
☐ 176 Eminent Domain- Light Rail Only  
☐ 177 Interpleader- Automobile Only  
☐ 178 Delayed Birth Certificate (A.R.S. §36-333.03)  
☐ 183 Employment Dispute- Discrimination  
☐ 185 Employment Dispute-Other  
☐ 195(a) Amendment of Marriage License  
☐ 195(b) Amendment of Birth Certificate  
☒ 163 Other Unlawful Arrest/Imprisonment  
     (Specify)

**COMPLEXITY OF THE CASE**

If you marked the box on page one indicating that Complex Litigation applies, place an "X" in the box of no less than one of the following:

- ☐ Antitrust/Trade Regulation  
☐ Construction Defect with many parties or structures  
☐ Mass Tort  
☐ Securities Litigation with many parties  
☐ Environmental Toxic Tort with many parties  
☐ Class Action Claims  
☐ Insurance Coverage Claims arising from the above-listed case types  
☐ A Complex Case as defined by Rule 8(i) ARCP

**Additional Plaintiff(s)**


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**Additional Defendant(s)**


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MICHAEL K. JEANES  
 Clerk of the Superior Court  
 By Maria De La Cruz, Deputy  
 Date 12/29/2016 Time 16:28:50  
 Description Amount  
 ----- CASE# CV2016-010499 -----  
 CIVIL NEW COMPLAINT 319.00  
 -----  
 TOTAL AMOUNT 319.00  
 Receipt# 25655589

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 8 Attorneys for Plaintiffs

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF MARICOPA**

11 DAVID KHALAJ and JULIET DAVID  
 YOUNMARAN, a married couple,

12 Plaintiffs,

13 vs.

14 CITY OF PHOENIX, Arizona, a municipal  
 15 corporation,

16 Defendant.

No: CV 2016-010499

**COMPLAINT**

**JURY TRIAL DEMANDED**

17 Plaintiffs, David Khalaj and Juliet David Youmaran, submit their Complaint  
 18 against Defendant as follows:

19 **I. INTRODUCTION**

20  
 21 1. This is an action for money damages brought for personal injuries pursuant  
 22 to state tort causes of action for false arrest and false imprisonment, and a violation of  
 23 Plaintiffs' civil rights pursuant to 42 U.S.C § 1983.

24  
 25 2. These state and federal causes of action are brought against the City of  
 26 Phoenix, Arizona, a municipal corporation. Plaintiffs timely filed a Notice of Claim  
 27 pursuant to A.R.S. §12-821.01 on June 29, 2016—to which there was no response.

28 3. The claims herein arise out of the events occurring within the City of

1 Phoenix on January 1, 2016 at Phoenix Sky Harbor International Airport in Phoenix,  
2 Arizona. It is alleged that City of Phoenix Police Department officers, while acting under  
3 color of law, unlawfully arrested and unlawfully detained Plaintiffs. It is further alleged  
4 that these torts and civil rights and constitutional violations were committed as a result of  
5 policies, practices and customs of the City of Phoenix Police Department—including its  
6 officers and agents.  
7

## 8 II. PARTIES

9  
10 4. Plaintiff David Khalaj (“David”), is a resident of Maricopa County,  
11 Arizona, and was so at all times relevant to this Complaint.

12 5. Plaintiff Juliet David Youmaran (“Juliet”) is a resident of Maricopa  
13 County, Arizona, and was so at all times relevant to this Complaint.  
14

15 6. Plaintiffs David and Juliet are, and were, married at all times relevant to the  
16 Complaint.

17 7. Defendant, City of Phoenix, is a municipal corporation organized under the  
18 laws of the State of Arizona, the role of which is to provide municipal services to the  
19 public within its jurisdiction and enforce federal, state and local laws in the execution of  
20 its duties and services to the public. The Phoenix Police Department is among its  
21 subdivisions or agencies.  
22

23 8. The individual officers, agents and/or employees of the City of Phoenix  
24 discussed herein—including Detective Gary Ellefritz, Officer Lillian Fine, Officer Todd  
25 Blanc, Officer Melander (first name believed to be Scott), and Sergeant Green (first name  
26 unknown)—were acting within the scope of their agency/employment at all times  
27 relevant to the Complaint. These individuals engaged in wrongful conduct that allowed,  
28

1 caused, and/or contributed to the violations of Plaintiffs' rights detailed in the subject  
2 Complaint. The City of Phoenix is responsible for the conduct of these individuals under  
3 the doctrine of *respondeat superior*.  
4

5 9. All of the City of Phoenix employees and agents discussed herein were  
6 jointly responsible for the actions, events and circumstances underlying this Complaint,  
7 proximately caused the damages stated herein, and that they were acting for and on  
8 behalf of their respective marital communities at all relevant times.  
9

10 10. At all times mentioned herein, these City of Phoenix employees and agents  
11 were acting under color of law, that is, under the color of the United States Constitution,  
12 the Constitution of the State of Arizona, and the statutes, laws, charter, ordinances, rules,  
13 regulations, policies, customs and usages of the State of Arizona, the City of Phoenix and  
14 Phoenix Police Department.  
15

### 16 III. JURISDICTION, AND VENUE

17 11. The amount in controversy exceeds the jurisdictional threshold of this  
18 Court.  
19

20 12. A timely Notice of Claim pursuant to A.R.S. § 12-821.01 was served upon  
21 Defendant City of Phoenix on June 29, 2016. More than sixty (60) days have passed  
22 since this Notice of Claim was served upon Defendant City of Phoenix.  
23

24 13. On or about January 1, 2016, Defendant caused the event or events upon  
25 which this action is based to occur in Maricopa County. As such, venue is proper in the  
26 Maricopa County Superior Court pursuant to A.R.S. § 12-401.  
27

28 ///

///



#### IV. FACTS GIVING RISE TO CLAIMS

##### A. Events Leading up to Plaintiffs' Arrest

14. On January 1, 2016, around 4:00pm, David and Juliet (along with their 10-year old son and 17-year old daughter) were returning home from Puerto Vallarta, Mexico through Phoenix Sky Harbor International Airport ("Sky Harbor"). After clearing customs, David, Juliet and their children were free to leave the airport.

15. David wished to leave the secured customs area to get something to eat to ease the effects of his Type 2 diabetes. He was scolded, shouted at, and herded back in to the secured area by Customs and Border Protection ("CBP") employees—including Matthew Gardner, Juan Osoria, Jose Colunga and Arpad Domokos.

16. When he complained about how he had been treated, one of the aforementioned employees started striking him behind his arm in order to move him to another location. Then, the cohort of four CBP employees set upon and beat David severely, causing him physical injury.

17. Seeing her husband brutalized by the CBP employees, Juliet tried to come to his rescue and was, herself, assaulted. As a result, Juliet suffered severe physical and emotional injuries.

18. Representatives from the City of Phoenix Police Department were summoned to Sky Harbor in conjunction with the above-described altercations. Phoenix Police took over the detention in conjunction with Immigration and Customs Enforcement ("ICE").

19. Phoenix Police took David and Juliet to the hospital to have their injuries addressed by medical professionals. During that time frame, ICE officers contacted the

1 United States Attorney's Office to see whether federal charges would be pursued. The  
2 United States Attorney's Office declined prosecution.

3 20. Left with no apparent recourse, the disappointed CBP and ICE employees  
4 relinquished the case to the Phoenix Police Department.  
5

6 **B. Plaintiffs' Arrest**

7 21. On January 1, 2016 at approximately 4:45pm, David and Juliet were  
8 arrested and taken into custody without a warrant by Phoenix Police Officer Lillian Fine,  
9 S/N 09323. Phoenix Police Officers Todd S. Blanc and (first name unknown) Melander  
10 S/N 5063 were also involved in the arrest—which was identified by the City of Phoenix  
11 Police Department as incident number 201600000004723.  
12

13 22. The charge upon which the arrests were founded was A.R.S. § 13-  
14 1204(A)(8)(A): Aggravated Assault Against Peace Officers, a class five felony.  
15

16 23. The alleged victims of the aggravated assaults were previously-identified  
17 CBP staff members (and federal employees) Matthew Gardner, Juan Osoria, Jose  
18 Colunga and Arpad Domokos. Gardner, Osoria, Colunga and Domokos were not, in fact,  
19 peace officers.  
20

21 24. As the Phoenix Police officers knew, or are presumed to have known, the  
22 term "peace officer" is a defined term under Arizona law. A.R.S § 13-105 (29) defines  
23 "peace officer" to mean "any person vested by law with a duty to maintain public order  
24 and make arrests and includes a constable."  
25

26 25. Federal CBP employees could have been cross-certified as "peace officers"  
27 under Arizona statutes but, upon investigation, it has been determined that they were not.  
28

26. The Arizona statute that provides a mechanism for cross-certifying federal

1 peace officers as Arizona peace officers is A.R.S. § 13-3875. This states, in pertinent  
 2 part:

3 B. A federal peace officer who is employed by an agency of the United  
 4 States and who has completed the basic training curriculum for the  
 5 officer's agency shall possess and exercise all law enforcement powers  
 6 of peace officers in this state for one year, including, if directed by the  
 7 officer's employer, the capability to enforce the criminal laws of this  
 8 state if the federal peace officer:

1. Submits to the sheriff a written request for certification as a  
 2 peace officer in this state.

3 2. Submits evidence that the officer has been certified as a  
 4 federal peace officer, is authorized by federal law to engage in  
 5 or supervise the prevention, detection, investigation or  
 6 prosecution of a violation of federal law and is authorized by  
 7 federal law to make arrests, serve warrants and carry firearms.

8 . . . .

9 27. First, it is highly debatable whether a Federal CBP Employee is even  
 10 categorized as a "Federal Peace Officer." However, even if the CBP employees were  
 11 *federal* peace officers, to be considered a peace officer under the cross-certification  
 12 provisions of Arizona law, the alleged victims would have to have been on file or had a  
 13 waiver on file with the Arizona Peace Officer Standards and Training Board  
 14 ("AZPOST").

15 28. To properly ascertain whether any of the CBP employees at issue were  
 16 peace officers before charging David and Juliet with aggravated assault upon a peace  
 17 officer (again, a class 5 felony), the Phoenix Police needed to do nothing more than  
 18 telephone the AZPOST and ask whether the names of any of the alleged victims were on  
 19 file. The Phoenix Police Department's failure to do this was—at a minimum—grossly  
 20 negligent, and was more likely the product of deliberate ignorance or willful and wanton  
 21 conduct.

1           29. By means of illustration, when David's and Juliet's counsel checked with  
2 AZPOST to independently determine whether any of the alleged victims were certified as  
3 peace officers in the State of Arizona, or had obtained the status by means of a waiver,  
4 they learned (over the course of a five-minute phone call) that none of the Federal CBP  
5 employees alleged assaulted was a "peace officer."

7           30. If the Phoenix Police Officers had done the same, Plaintiffs' alleged  
8 conduct would have (at most) been charged as a misdemeanor (e.g. disturbing the peace,  
9 disorderly conduct, or simple assault) rather than the very specific felony offense with  
10 which Plaintiffs were charged. A simple assault, when committed against a peace officer,  
11 is instead classified as aggravated assault—a felony offense.

13           31. The Phoenix Police knew, or should have known, at the time of David's  
14 and Juliet's arrest, that the victims of the alleged assault were not "peace officers." They  
15 knew, or should have known, that the alleged "injuries" suffered by the alleged victims  
16 were insufficient to constitute an ordinary form of aggravated assault.

18           32. The Phoenix Police Department's misclassification of this offense under  
19 A.R.S. § 13-1204(A)(8)(A) was (at a minimum) grossly negligent, and, at the maximum,  
20 the product of deliberate ignorance or willful and wanton conduct.

### 22                           C. Events Following Plaintiffs' Arrest

23           33. Plaintiffs David and Juliet are both United States citizens.

24           34. After the unlawful arrest detailed above, while Plaintiffs were still at Sky  
25 Harbor, the jailers were, upon information and belief, informed that David had been born  
26 in Tehran, Iran and that Juliet had been born in Baghdad, Iraq.

27           35. During their confinement by Phoenix Police, Plaintiffs were called a variety  
28

1 of unimaginable racial epithets that should not be repeated here—except to note that  
2 “sand n\*\*ger” was the mildest of these. Plaintiffs were eventually taken to booking and  
3 jail by Phoenix Police and held there.  
4

5 36. Being subjected to emotionally charged racial epithets by Phoenix Police  
6 while in custody is the *sine qua non* of outrageous conduct sufficient to serve as a  
7 predicate for intentional infliction of emotional distress.

8 37. As a result of the unlawful arrest and unlawful imprisonment, David and  
9 Juliet suffered from severe psychological and emotional damages.  
10

11 38. David’s recurring thoughts about the unlawful arrest have caused him to  
12 experience anxiety and emotional distress, which will likely continue as a result of his  
13 being stripped of his liberties by no fault of his own and without lawful authority.  
14

15 39. Juliet has been suffering from insomnia, severe anxiety, acute stress  
16 disorder, depression, nightmares and repeatedly revisits the false arrest in such a way that  
17 she is no longer able to function in her everyday life the way she did prior to the incident.  
18

## 19 V. COUNT ONE

### 20 THE CITY OF PHOENIX POLICE DEPARTMENT DELIBERATELY 21 COMMITTED FALSE ARREST/IMPRISONMENT

22 40. Plaintiffs re-allege and incorporate herein by reference the allegations set  
23 forth in paragraphs 1-39 of this Complaint.

24 41. The City of Phoenix, via the Phoenix Police Department and its employees  
25 and agents, acted intentionally to restrain the Plaintiffs to an area within the Defendant’s  
26 control.  
27

28 42. Defendant acted without lawful authority and without Plaintiffs’ consent.

43. Defendant's actions resulted in the direct restraint of Plaintiffs' liberty or freedom of movement, either by actual force or from the Plaintiffs' fear of force.

44. Defendant's acts would have caused a reasonably prudent person in the same situation as the Plaintiffs to believe that he or she was restrained.

45. Plaintiffs were aware of and harmed by the restraint.

46. Defendant's acts constitute false arrest/imprisonment without lawful authority as recognized under Arizona law. *See Deadman v. Valley National Bank of Arizona*, 154 Ariz. 452, 457 (Ct. App. 1987); *Reams v. City of Tucson*, 145 Ariz. 340 (Ct. App. 1985).

## VI. COUNT TWO

### **VIOLATION OF CIVIL RIGHTS PURSUANT TO TITLE 42 U.S.C. §1983**

47. Plaintiffs re-allege and incorporate herein by reference the allegations set forth in paragraphs 1-46 of this Complaint.

48. In committing the acts complained of herein, Defendant's employees and agents acted under color of state law to deprive Plaintiffs of certain constitutionally protected rights under the Fourth, Fifth and Fourteenth Amendments of the Constitution of the United States including the right to be free from false arrest/imprisonment.

49. In violating Plaintiffs' rights as set forth above and other rights that will be proven at trial, Defendant's conduct was willful, malicious and oppressive. As a direct and proximate result of the violation of their constitutional rights by the Defendant, Plaintiffs suffered general and special damages as alleged in this Complaint and are entitled to relief under 42 U.S.C. §1983.

**VII. JURY TRIAL**

50. Plaintiffs' demands a trial by jury on all issues allowed to be tried to a jury under Arizona and Federal law.

**VIII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment as follows:

- A. General damages, including but not limited to pain, suffering, and anxiety, in an amount to be proven at trial;
- B. Costs of attorneys' fees against Defendant as to the causes of action alleged under the Constitution and laws of the United States, pursuant to 42 U.S.C. § 1988;
- C. All remedies provided by 42 U.S.C. § 1983;
- D. For taxable costs and pre- and post-judgment interest to the extent permitted by law; and
- E. Such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of December, 2016.

CHRISTIAN, DICHTER & SLUGA, P.C.

By: 

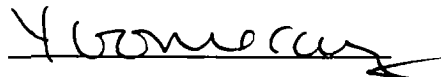
Stephen M. Dichter

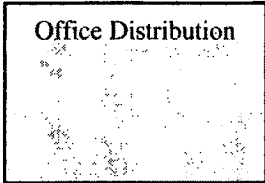
Cara L. Christian

Attorneys for Plaintiffs

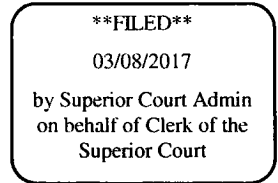
**ORIGINAL** of the foregoing filed this 29<sup>th</sup> day of December, 2016, with:

Clerk of the Court  
Maricopa County Superior Court  
201 W. Jefferson Street  
Phoenix, Arizona 85003





**SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY**



03/04/2017

COURT ADMINISTRATION

Ct. Admin  
Deputy

**Case Number:** CV2016-010499

**David Khalaj**

**V.**

**City Of Phoenix**

---

The Judge assigned to this action is the Honorable Kerstin G LeMaire

**NOTICE OF INTENT TO DISMISS FOR LACK OF SERVICE**

You are hereby notified that the complaint filed on 12/29/2016 is subject to dismissal pursuant to Rule 4 (i) of the Arizona Rules of Civil Procedure. The deadline for completing service is 04/28/2017. If the time for completing service has not been extended by the court and no defendants have been served by this date, the case will be dismissed without prejudice.

All documents required to be filed with the court should be electronically filed through Arizona Turbo Court at [www.azturbocourt.gov](http://www.azturbocourt.gov).



**Superior Court of Maricopa County - integrated Court Information System**  
**Endorsee Party Listing**

Case Number: CV2016-010499

Party Name	Attorney Name	
David Khalaj Juliet David Youmaran	Stephen M Dichter Stephen M Dichter	Bar ID: 004043 Bar ID: 004043

MICHAEL K. JAMES, CLERK

RECEIVED  
NIGHT DEPT. CLERK  
17 APR 27 AM 9:27

FILED  
BY A. MCLOONE, DEP

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**ORIGINAL**

Attorneys for Plaintiffs

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

DAVID KHALAJ and JULIET DAVID  
YOUMARAN, a married couple,

Case No. CV2016-010499

Plaintiffs,

**SUMMONS**

vs.

CITY OF PHOENIX, Arizona, a municipal  
corporation; JANE DOES I-X and JOHN  
DOES I-X, inclusive,

Defendants.

**THE STATE OF ARIZONA TO THE DEFENDANTS:**

CITY OF PHOENIX  
City Clerk Department  
200 W. Washington Street, 15<sup>th</sup> Floor  
Phoenix, Arizona 85003

**YOU ARE HEREBY SUMMONED** and required to appear and defend, within the  
time applicable in this action in this Court. If served within Arizona, you shall appear and  
defend within twenty days after the service of the Summons and Complaint upon you,  
exclusive of the day of service. If served out of the State of Arizona -- whether by direct  
service, by registered or certified mail, or by publication -- you shall appear and defend

1 within thirty days after the service of the Summons and Complaint upon you is complete,  
2 exclusive of the day of service. Where process is served upon the Arizona Director of  
3 Insurance as an insurer's attorney to receive service of legal process against it in this state,  
4 the insurer shall not be required to appear, answer or plead until expiration of forty days  
5 after date of such service upon the Director. Service by registered or certified mail within  
6 the State of Arizona is complete thirty days after the date of filing the receipt and affidavit  
7 of service with the Court. Service by publication is complete thirty days after the date of  
8 first publication. Direct service is complete when made. Service upon the Arizona Motor  
9 Vehicle Superintendent is complete thirty days after filing the Affidavit of Compliance and  
10 return receipt or Officer's Return. *Arizona Rules of Civil Procedure 4; A.R.S. §§ 20-222,*  
11 *28-502, 28-503.*

12 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and  
13 defend within the time applicable, judgment by default may be rendered against you for  
14 the relief demanded in the Complaint. Requests for reasonable accommodation for  
15 persons with disabilities must be made to the division assigned to the case by parties at  
16 least three (3) judicial days in advance of a scheduled court proceeding.

17 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an  
18 Answer or proper response in writing with the Clerk of this Court, accompanied by the  
19 necessary filing fee, within the time required, and you are required to serve a copy of any  
20 Answer or response upon the plaintiffs' attorney. *Arizona Rules of Civil Procedure 5 and*  
21 *10(D); A.R.S. § 12-311.*

The name and address of Plaintiffs' attorney are:

Stephen M. Dichter  
Cara L. Christina  
Christian, Dichter & Sluga, P.C.  
2700 North Central Avenue, Suite 1200  
Phoenix, Arizona 85004  
Telephone: (602) 792-1700  
Facsimile: (602) 792-1710

MAR 23 2017

**SIGNED AND SEALED** this date: \_\_\_\_\_

**MICHAEL K. JEANES, CLERK**

**CLERK OF THE SUPERIOR COURT**



By: \_\_\_\_\_

Deputy Clerk

A. Fimbres  
Deputy Clerk

MICHAEL K. JEANES, CLERK  
RECEIVED  
NIGHT DEPOSITORY  
17 MAR 27 AM 9:23

Rickie McTheny (MARICOPA COUNTY #8315)  
JBN LEGAL SUPPORT SERVICE, L.L.C.  
8910 N. CENTRAL AVE  
Phoenix, AZ 85020  
623-229-9291

MARICOPA COUNTY SUPERIOR COURT

FILED  
BY A. MCLOONE, DEP

DAVID KHALAJ and JULIET DAVID YOUMARAN,  
a married couple

Plaintiffs

vs

CITY OF PHOENIX, ARIZONA, a municipal  
corporation

Defendants

Case No: CV2016-010499

CERTIFICATE OF SERVICE  
BY A PRIVATE PERSON  
Arizona Rules of Court 80(1)

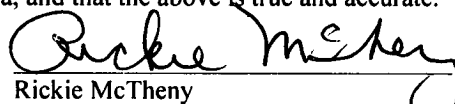
Type of Document(s) SUMMONS; COMPLAINT; PLAINTIFF'S CERTIFICATE OF CUMPOLSORY  
ARBITRATION

I personally served true copies of the above listed documents on the person listed below.

ENTITY SERVED: CITY OF PHOENIX  
HOW SERVED: PERSONALLY ON RICHARD ST GEORGE accepting service as SPECIAL DEPUTY  
CITY CLERK  
AT: 200 W. WASHINGTON, 15<sup>TH</sup> FLOOR, PHOENIX, AZ  
ON: MARCH 23, 2017  
TIME: 11:16 AM

The undersigned certifies under penalty of perjury that I am fully qualified under 4(d), 4(c), and 45(d) to serve process in this action within the state of Arizona; having been so appointed and registered by the Superior Court of Maricopa County, Arizona, and that the above is true and accurate.

DECLARANT:

  
Rickie McTheny  
d.b.a. JBN Legal Support Service, L.L.C.  
MARCH 23, 2017

CHARGES:  
DOC FEE: \$ 20.00  
MILEAGE: \$ 20.00  
PICK-UP: \$ 10.00  
CERT. FEE \$ 5.00  
TOTAL: \$ 55.00

DCS

Lori V. Berke (#015628)  
Jody C. Corbett (#019718)  
**BERKE LAW FIRM, PLLC**  
1601 N. 7<sup>th</sup> Street, Suite 360  
Phoenix, AZ 85006  
Phone: (602) 254-8800  
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[lori@berkelawfirm.com](mailto:lori@berkelawfirm.com)  
[jody@berkelawfirm.com](mailto:jody@berkelawfirm.com)

Attorneys for Defendant City of Phoenix

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
**IN AND FOR THE COUNTY OF MARICOPA**

DAVID KHALAJ and JULIET DAVID  
YOUMARAN, a married couple,

Plaintiffs,

vs.

CITY OF PHOENIX, Arizona, a municipal  
corporation,

Defendants.

NO. CV2016-010499

**NOTICE OF APPEARANCE**

(Assigned to the Hon. Kerstin LeMaire)

Pursuant to Ariz. R. Civ. P. 5.3, Lori V. Berke and Jody C. Corbett of Berke Law Firm, PLLC, provide notice of their appearance as counsel of record for Defendant City of Phoenix. Undersigned counsel's physical and e-mail addresses are as follows:

Berke Law Firm PLLC  
1601 N. 7<sup>th</sup> Street, Suite 360  
Phoenix, AZ 85006  
[lori@berkelawfirm.com](mailto:lori@berkelawfirm.com)  
[jody@berkelawfirm.com](mailto:jody@berkelawfirm.com)

1 DATED this 19<sup>th</sup> day of April, 2017.

2 **BERKE LAW FIRM, PLLC**

3  
4  
5 By /s/ Jody C. Corbett  
6 Lori V. Berke  
7 Jody C. Corbett  
8 Attorneys for Defendant City of Phoenix

9 The foregoing document was e-filed with  
10 the Clerk of Court this 19<sup>th</sup> day of April,  
11 2017, and a copy mailed this same date to:

12 Stephen M. Dichter  
13 Cara L. Christian  
14 CHRISTIAN DICHTER & SLUGA, P.C.  
15 2700 N. Central Avenue, Suite 1200  
16 Phoenix, Arizona 85004  
17 Attorneys for Plaintiffs

18 /s/ Jody C. Corbett  
19  
20  
21  
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23  
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